
SENATE BILL No. 313

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-3.

Synopsis: Animal cruelty. Provides that a person neglects an animal if the animal is dependent on the person and the person fails to provide medical care or other services needed for the sustained good health of the animal. Increases the penalty for abandoning or neglecting an animal by changing the offense from a Class B misdemeanor to a Class A misdemeanor, and provides that a court may issue an order under which a person convicted of certain offenses against animals is prohibited, for not more than five years, from owning, keeping, harboring, or possessing an animal.

Effective: July 1, 2008.

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January 10, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 313

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-46-3-0.5, AS ADDED BY P.L.171-2007,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2008]: Sec. 0.5. The following definitions apply throughout
4 this chapter:

5 (1) "Abandon" means to desert an animal or to leave the animal
6 permanently in a place without making provision for adequate
7 long term care of the animal. The term does not include leaving
8 an animal in a place that is temporarily vacated for the protection
9 of human life during a disaster.

10 (2) "Beat" means to unnecessarily or cruelly strike an animal, or
11 to throw the animal against an object causing the animal to suffer
12 severe pain or injury. The term does not include reasonable
13 training or disciplinary techniques.

14 (3) "Mutilate" means to wound, injure, maim, or disfigure an
15 animal by irreparably damaging the animal's body parts or to
16 render any part of the animal's body useless. The term includes
17 bodily injury involving:



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- (A) serious permanent disfigurement;
- (B) serious temporary disfigurement;
- (C) permanent or protracted loss or impairment of the function of a bodily part or organ; or
- (D) a fracture.

(4) "Neglect" means to:

- (A) endanger an animal's health by failing to provide the animal with food, or drink, **medical care, or other services needed for the sustained good health of the animal** if the animal is dependent upon the person for the provision of food, or drink, **medical care, or other services needed for the sustained good health of the animal**; or

- (B) restrain an animal for more than a brief period by the use of a rope, chain, or tether that:

- (i) is less than three (3) times the length of the animal;
- (ii) is too heavy to permit the animal to move freely; or
- (iii) causes the animal to choke.

(5) "Torture" means:

- (A) to inflict extreme physical pain or injury on an animal with the sole intent of increasing or prolonging the animal's pain; or
- (B) to administer poison to a cat or dog, or expose a cat or dog to a poisonous substance with the intent that the cat or dog ingest the substance and suffer harm, pain, or physical injury.

SECTION 2. IC 35-46-3-7, AS AMENDED BY P.L.171-2007, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 7. (a) A person who owns a vertebrate animal and who recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a ~~Class B~~ **Class A** misdemeanor.

(b) It is a defense to a prosecution under this section that the owner reasonably believed that the vertebrate animal was capable of surviving on its own.

SECTION 3. IC 35-46-3-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 15. (a) **This section applies only to a person convicted of an offense under this chapter.**

(b) **In addition to any sentence or fine imposed for a conviction of an offense under this chapter, a court may issue an order under which a person described in subsection (a) is prohibited, for not more than five (5) years, from owning, possessing, harboring, or keeping an animal.**

SECTION 4. [EFFECTIVE JULY 1, 2008] IC 35-46-3-0.5 and IC 35-46-3-7, both as amended by this act, and IC 35-46-3-15, as

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1 added by this act, apply only to crimes committed after June 30,
2 2008.

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